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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [AJ](#)
SUBJECT: AZERBAIJANI APPELLATE COURT UPHOLDS YENI FIKIR
CONVICTIONS

REF: BAKU 1022

Classified By: Acting DCM Joan Polaschik for reasons 1.4 b and d.

1.(U) On September 28, an Azerbaijani appellate court upheld the convictions of Yeni Fikir opposition youth activists Ruslan Bashirli, Said Nuriyev and Ramin Tagiyev, but reduced the sentence of Ramin Tagiyev from four to three years. The appellate judge did not specify the legal grounds for reducing Tagiyev's sentence; we will review court documents once available to examine the legal basis of the ruling. (Note: The three Yeni Fikir youth activists were arrested in August 2005 on charges of fomenting a coup in connection with the November 2005 parliamentary elections. The lower court trial took place from March to July 2006, and was plagued by numerous procedural violations of due process. The lower court sentenced Bashirli to five years' imprisonment, Tagiyev to four and Nuriyev to a suspended five year sentence due to his pre-existing health condition - see reftel.)

12. (SBU) Embassy observers who attended the appellate court hearing in September 2006 assessed the proceedings to be a significant procedural improvement over the lower court trial. Specifically, the defendants and their attorneys were granted the right to review and rebut testimony presented against them. The judge listened attentively to the defendants' arguments in an atmosphere of relative calm in the courtroom. However, the appellate court found no basis on which to overturn the lower court's decision.

13. (C) Human rights activists were not surprised that the appellate court did nothing to change the verdicts. Most activists commented that it is rare (if ever) that an appellate court finds fault with a lower court decision. Other activists contended that the appellate hearing was pro forma and pre-ordained.
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